

APPENDIX B TO SUBPART T—GENERAL PROVISIONS APPLICABILITY TO SUBPART T—Continued

Reference	Applies to subpart T		Comments
	BCC	BVI	
63.10(e)(3)	No	No	Subpart T does not require continuous monitoring systems.
63.10(e)(4)	No	No	Subpart T does not require continuous opacity monitoring systems.
63.10(f)	Yes	Yes	
63.11(a)	Yes	Yes	
63.11(b)	No	No	Flares are not a control option under subpart T.
63.12 (a)–(c)	Yes	Yes	
63.13 (a)–(c)	Yes	Yes	
63.14	No	No	Subpart T requirements do not require the use of the test methods incorporated by reference in subpart A.
63.15(a)–(b)	Yes	Yes	

BCC=Batch Cold Cleaning Machines.

BVI=Batch Vapor and In-line Cleaning Machines.

[59 FR 61818, Dec. 2, 1994; 60 FR 29485, June 5, 1995]

Subpart U—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins

SOURCE: 62 FR 46925, Sept. 5, 1996, unless otherwise noted.

§ 63.480 Applicability and designation of affected sources.

(a) *Definition of affected source.* The provisions of this subpart apply to each affected source. An affected source is either an existing affected source or a new affected source. Existing affected source is defined in paragraph (a)(1) of this section, and new affected source is defined in paragraph (a)(2) of this section. The affected source also includes all wastewater streams and wastewater operations associated with the elastomer product process unit(s) (EPPUs) included in the affected source.

(1) Except as specified in paragraphs (b) through (d) of this section, an existing affected source is defined as each group of one or more EPPUs that is not part of a new affected source, as defined in paragraph (a)(2) of this section, and that is manufacturing the same primary product and located at a plant site that is a major source.

(2) Except as specified in paragraphs (b) through (d) of this section, a new affected source is defined as a source meeting the criteria of paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this section.

(i) At a plant site previously without HAP emission points, each group of one or more EPPUs manufacturing the

same primary product that is part of a major source on which construction commenced after June 12, 1995,

(ii) An EPPU meeting the criteria in paragraph (i)(1)(i) of this section, or

(iii) A reconstructed affected source meeting the criteria in paragraph (i)(2)(i) of this section.

(b) *EPPUs exempted from the affected source.* EPPUs that do not use any organic HAP may be excluded from the affected source, provided that the owner or operator complies with the requirements of paragraphs (b)(1) and (b)(2) of this section, if requested to do so by the Administrator.

(1) Retain information, data, and analyses used to document the basis for the determination that the EPPU does not use any organic HAP. Types of information that could document this determination include, but are not limited to, records of chemicals purchased for the process, analyses of process stream composition, or engineering calculations.

(2) When requested by the Administrator, demonstrate that the EPPU does not use any organic HAP.

(c) *Emission points exempted from the affected source.* The affected source does not include the emission points listed in paragraphs (c)(1) through (c)(6) of this section:

(1) Stormwater from segregated sewers;

(2) Water from fire-fighting and deluge systems in segregated sewers;

(3) Spills;

(4) Water from safety showers;

(5) Vessels and equipment storing and/or handling material that contains

no organic HAP or organic HAP as impurities only; and

(6) Equipment that is intended to operate in organic HAP service for less than 300 hours during the calendar year.

(d) *Processes exempted from the affected source.* The processes specified in paragraphs (d)(1) through (d)(3) of this section are not part of the affected source.

(1) Research and development facilities;

(2) Equipment that is located within an EPPU that is subject to this subpart but does not contain organic HAP; and

(3) Solvent reclamation, recovery, or recycling operations at hazardous waste treatment, storage, and disposal facilities (TSDF) requiring a permit under 40 CFR part 270 that are separate entities and not part of an EPPU to which this subpart applies.

(e) *Applicability determination of elastomer equipment included in a process unit producing a non-elastomer product.* If an elastomer product that is subject to this subpart is produced within a process unit that is subject to subpart V of this part, and at least 50 percent of the elastomer is used in the production of the product manufactured by the subpart V process unit, the unit operations involved in the production of the elastomer are considered part of the process unit that is subject to subpart V, and not this subpart.

(f) *Primary product determination and applicability.* The primary product of a process unit shall be determined according to the procedures specified in paragraphs (f)(1) and (f)(2) of this section. Paragraphs (f)(3) through (f)(4) of this section describe whether or not a process unit is subject to this subpart. Paragraphs (f)(5) through (f)(7) of this section discuss compliance for those EPPUs operated as flexible operation units, as specified in paragraph (f)(2) of this section.

(1) If a process unit only manufactures one product, then that product shall represent the primary product of the process unit.

(2) If a process unit is designed and operated as a flexible operation unit, the primary product shall be determined as specified in paragraphs (f)(2)(i) or (f)(2)(ii) of this section based on the anticipated operations for the 5

years following September 5, 1996 for existing affected sources and for the first 5 years after initial startup for new affected sources.

(i) If the flexible operation unit will manufacture one product for the greatest operating time over the five-year period, then that product shall represent the primary product of the flexible operation unit.

(ii) If the flexible operation unit will manufacture multiple products equally based on operating time, then the product with the greatest production on a mass basis over the five-year period shall represent the primary product of the flexible operation unit.

(3) If the primary product of a process unit is an elastomer product, then that process unit is considered an EPPU. If that EPPU meets all the criteria of paragraph (a) of this section, it is either an affected source or is part of an affected source comprised of other EPPU subject to this rule at the same plant site with the same primary product. The status of a process unit as an EPPU, and as an affected source or part of an affected source shall not change regardless of what products are produced in the future by the EPPU, with the exception noted in paragraph (f)(3)(i) of this section.

(i) If a process unit terminates the production of all elastomer products and does not anticipate the production of any elastomer product in the future, the process unit is no longer an EPPU and is not subject to the provisions of this subpart after notification is made as specified in paragraph (f)(3)(ii) of this section.

(ii) The owner or operator of a process unit that wishes to remove the EPPU designation from the process unit, as specified in paragraph (f)(3)(i) of this section, shall notify the Administrator. This notification shall be accompanied by rationale for why it is anticipated that no elastomer products will be produced in the process unit in the future.

(iii) If a process unit meeting the criteria of paragraph (f)(3)(i) of this section begins the production of an elastomer product in the future, the owner or operator shall use the procedures in

paragraph (f)(4)(i) of this section to determine if the process unit is re-designated as an EPPU.

(4) If the primary product of a process unit is not an elastomer product, then that process unit is not an affected source, nor is it part of any affected source subject to this rule. The process unit is not subject to this rule at any time, regardless of what product is being produced. The status of the process unit as not being an EPPU, and therefore not being an affected source or part of an affected source subject to this subpart, shall not change regardless of what products are produced in the future by the EPPU, with the exception noted in paragraph (f)(4)(i) of this section.

(i) If, at any time beginning September 5, 2001, the owner or operator determines that an elastomer product is the primary product for the process unit based on actual production data for any preceding consecutive five-year period, then the process unit shall be classified as an EPPU. If an EPPU meets all the criteria in paragraph (a) of this section, it is either an affected source or part of an affected source and shall be subject to this rule.

(ii) If a process unit meets the criteria of paragraph (f)(4)(i) of this section, the owner or operator shall notify the Administrator within 6 months of making this determination. The EPPU, as the entire affected source or part of an affected source, shall be in compliance with the provisions of this rule within 3 years from the date of such notification.

(iii) If a process unit is re-designated as an EPPU but does not meet all the criteria of paragraph (a) of this section, the owner or operator shall notify the Administrator within 6 months of making this determination. This notification shall include documentation justifying the EPPU's status as not being an affected source or not being part of an affected source.

(5) Once the primary product of a process unit has been determined to be an elastomer product and it has been determined that all the criteria of paragraph (a) of this section are met for the EPPU, the owner or operator of the affected source shall comply with the standards for the primary product.

Owners or operators of flexible operation units shall comply with the standards for the primary product as specified in either paragraph (f)(5)(i) or (f)(5)(ii) of this section, except as specified in paragraph (f)(5)(iii) of this section.

(i) Each owner or operator shall determine the group status of each emission point that is part of that flexible operation unit based on emission point characteristics when the primary product is being manufactured. Based on this finding, the owner or operator shall comply with the applicable standards for the primary product for each emission point, as appropriate, at all times, regardless of what product is being produced.

(ii) Alternatively, each owner or operator shall determine the group status of each emission point that is part of the flexible operation unit based on the emission point characteristics when each product produced by the flexible operation unit is manufactured, regardless of whether the product is an elastomer product or not. Based on these findings, the owner or operator shall comply with the applicable standards, as appropriate, regardless of what product is being produced.

NOTE: Under this scenario, it is possible that the group status, and therefore the requirement to achieve emission reductions, for an emission point may change depending on the product being manufactured.]

(iii) Whenever a flexible operation unit manufactures a product that meets the criteria of paragraph (b) of this section (i.e., does not use or produce any organic HAP), all activities associated with the manufacture of the product, including the operation and monitoring of control or recovery devices, shall be exempt from the requirements of this rule.

(6) The determination of the primary product for a process unit, to include the determination of applicability of this subpart to process units that are designed and operated as flexible operation units, shall be reported in the Notification of Compliance Status required by § 63.506(e)(5) when the primary product is determined to be an elastomer product. The Notification of Compliance Status shall include the information specified in either paragraph (e)(6)(i) or (e)(6)(ii) of this section. If

the primary product is determined to be something other than an elastomer product, the owner or operator shall retain information, data, and analysis used to document the basis for the determination that the primary product is not an elastomer product.

(i) If the EPPU manufactures only one elastomer product, identification of that elastomer product.

(ii) If the EPPU is designed and operated as a flexible operation unit, the information specified in paragraphs (f)(6)(ii)(A) through (f)(6)(ii)(C) of this section, as appropriate.

(A) Identification of the primary product.

(B) Information concerning operating time and/or production mass for each product that was used to make the determination of the primary product under paragraph (f)(2)(i) or (f)(2)(ii) of this section.

(C) Identification of which compliance option, either paragraph (f)(5)(i) or (f)(5)(ii) of this section, has been selected by the owner or operator.

(7) To demonstrate compliance with the rule during those periods when a flexible operation unit that is subject to this subpart is producing a product other than an elastomer product or is producing an elastomer product that is not the primary product, the owner or operator shall comply with either paragraphs (f)(7)(i) and (f)(7)(ii) or paragraph (f)(7)(iii) of this section.

(i) Establish parameter monitoring levels as specified in §63.505, for those emission points designated as Group 1, as appropriate.

(ii) Submit the parameter monitoring levels developed under paragraph (f)(7)(i) of this section and the basis for them in the Notification of Compliance Status report, as specified in §63.506(e)(5).

(iii) Demonstrate that the parameter monitoring levels established for the primary product are also appropriate for those periods when products other than the primary product are being produced. Material demonstrating this finding shall be submitted in the Notification of Compliance Status report as specified in §63.506(e)(5).

(g) *Storage vessel ownership determination.* The owner or operator shall follow the procedures specified in paragraphs

(g)(1) through (g)(8) of this section to determine to which process unit a storage vessel shall belong.

(1) If a storage vessel is already subject to another subpart of 40 CFR part 63 on September 5, 1996, that storage vessel shall belong to the process unit subject to the other subpart.

(2) If a storage vessel is dedicated to a single process unit, the storage vessel shall belong to that process unit.

(3) If a storage vessel is shared among process units, then the storage vessel shall belong to that process unit located on the same plant site as the storage vessel that has the greatest input into or output from the storage vessel (i.e., the process unit has the predominant use of the storage vessel).

(4) If predominant use cannot be determined for a storage vessel that is shared among process units and if only one of those process units is an EPPU subject to this subpart, the storage vessel shall belong to that EPPU.

(5) If predominant use cannot be determined for a storage vessel that is shared among process units and if more than one of the process units are EPPUs that have different primary products and that are subject to this subpart, then the owner or operator shall assign the storage vessel to any one of the EPPUs sharing the storage vessel.

(6) If the predominant use of a storage vessel varies from year to year, then predominant use shall be determined based on the utilization that occurred during the year preceding September 5, 1996 or based on the expected utilization for the 5 years following September 5, 1996 for existing affected sources, whichever is more representative of the expected operations for that storage vessel, and based on the expected utilization for the 5 years after initial startup for new affected sources. The determination of predominant use shall be reported in the Notification of Compliance Status required by §63.506(e)(5)(vii). If the predominant use changes, the redetermination of predominant use shall be reported in the next Periodic Report.

(7) If the storage vessel begins receiving material from (or sending material to) another process unit; ceases to receive material from (or send material

to) a process unit; or if the applicability of this subpart to a storage vessel has been determined according to the provisions of paragraphs (g)(1) through (g)(6) of this section and there is a significant change in the use of the storage vessel that could reasonably change the predominant use, the owner or operator shall reevaluate the applicability of this subpart to the storage vessel.

(8) Where a storage vessel is located at a major source that includes one or more process units which place material into, or receive materials from the storage vessel, but the storage vessel is located in a tank farm, the applicability of this subpart shall be determined according to the provisions in paragraphs (g)(8)(i) through (g)(8)(iv) of this section.

(i) The storage vessel may only be assigned to a process unit that utilizes the storage vessel and does not have an intervening storage vessel for that product (or raw materials, as appropriate). With respect to any process unit, an intervening storage vessel means a storage vessel connected by hard-piping to the process unit and to the storage vessel in the tank farm so that product or raw material entering or leaving the process unit flows into (or from) the intervening storage vessel and does not flow directly into (or from) the storage vessel in the tank farm.

(ii) If there is no process unit at the major source that meets the criteria of paragraph (g)(8)(i) of this section with respect to a storage vessel, this subpart does not apply to the storage vessel.

(iii) If there is only one process unit at the major source that meets the criteria of paragraph (g)(8)(i) of this section with respect to a storage vessel, the storage vessel shall be assigned to that process unit. Applicability of this subpart to the storage vessel shall then be determined according to the provisions of paragraph (a) of this section.

(iv) If there are two or more process units at the major source that meet the criteria of paragraph (g)(8)(i) of this section with respect to a storage vessel, the storage vessel shall be assigned to one of those process units according to the provisions of paragraph (g)(6) of this section. The predominant

use shall be determined among only those process units that meet the criteria of paragraph (g)(8)(i) of this section.

(h) *Recovery operation equipment ownership determination.* The owner or operator shall follow the procedures specified in paragraphs (h)(1) through (h)(7) of this section to determine to which process unit recovery operation equipment shall belong.

(1) If recovery operation equipment is already subject to another subpart of 40 CFR part 63 on September 5, 1996, that recovery operation equipment shall belong to the process unit subject to the other subpart.

(2) If recovery operation equipment is used exclusively by a single process unit, the recovery operation shall belong to that process unit.

(3) If recovery operation equipment is shared among process units, then the recovery operation equipment shall belong to that process unit located on the same plant site as the recovery operation equipment that has the greatest input into or output from the recovery operation equipment (i.e., that process unit has the predominant use of the recovery operation equipment).

(4) If predominant use cannot be determined for recovery operation equipment that is shared among process units and if one of those process units is an EPPU subject to this subpart, the recovery operation equipment shall belong to the EPPU subject to this subpart.

(5) If predominant use cannot be determined for recovery operation equipment that is shared among process units and if more than one of the process units are EPPUs that have different primary products and that are subject to this subpart, then the owner or operator shall assign the recovery operation equipment to any one of those EPPUs.

(6) If the predominant use of recovery operation equipment varies from year to year, then the predominant use shall be determined based on the utilization that occurred during the year preceding September 5, 1996 or based on the expected utilization for the 5 years following September 5, 1996 for existing affected sources, whichever is the more

representative of the expected operations for the recovery operations equipment, and based on the expected utilization for the first 5 years after initial startup for new affected sources. This determination shall be reported in the Notification of Compliance Status required by § 63.506(e)(5)(viii). If the predominant use changes, the redetermination of predominant use shall be reported in the next Periodic Report.

(7) If there is an unexpected change in the utilization of recovery operation equipment that could reasonably change the predominant use, the owner or operator shall redetermine to which process unit the recovery operation belongs by reperforming the procedures specified in paragraphs (h)(2) through (h)(6) of this section.

(i) *Changes or additions to plant sites.* The provisions of paragraphs (i)(1) through (i)(4) of this section apply to owners or operators that change or add to their plant site or affected source. Paragraph (i)(5) provides examples of what are and are not considered process changes for purposes of paragraph (i) of this section.

(1) *Adding an EPPU to a plant site.* The provisions of paragraphs (i)(1)(i) through (i)(1)(ii) of this section apply to owners or operators that add EPPUs to a plant site.

(i) If an EPPU is added to a plant site, the addition shall be a new affected source and shall be subject to the requirements for a new affected source in this subpart upon initial startup or by September 5, 1996, whichever is later, if the addition meets the criteria specified in paragraphs (i)(1)(i)(A) through (i)(1)(i)(B) and either (i)(1)(i)(C) or (i)(1)(i)(D) of this section:

(A) It is an addition that meets the definition of construction in § 63.2 of subpart A;

(B) Such construction commenced after June 12, 1995; and

(C) The addition has the potential to emit 10 tons per year or more of any HAP or 25 tons per year or more of any combination of HAP, and the primary product of the addition is currently produced at the plant site as the primary product of an affected source; or

(D) The primary product of the addition is not currently produced at the

plant site as the primary product of an affected source, and the plant site meets, or after the addition is constructed will meet, the definition of a major source in § 63.2 of subpart A.

(ii) If an EPPU is added to a plant site, the addition shall be subject to the requirements for an existing affected source in this subpart upon initial startup or by 3 years after September 5, 1996, whichever is later, if the addition does not meet the criteria specified in paragraph (i)(1)(i) of this section and the plant site meets, or after the addition is completed will meet, the definition of major source.

(2) *Adding emission points or making process changes to existing affected sources.* The provisions of paragraphs (i)(2)(i) through (i)(2)(ii) of this section apply to owners or operators that add emission points or make process changes to an existing affected source.

(i) If any process change is made or emission point is added to an existing affected source, or if a process change creating one or more additional Group 1 emission point(s) is made to an existing affected source, the entire affected source shall be a new affected source and shall be subject to the requirements for a new affected source in this subpart upon initial startup or by September 5, 1996, whichever is later, if the process change or addition meets the criteria specified in paragraphs (i)(2)(i)(A) through (i)(2)(i)(B) of this section:

(A) It is a process change or addition that meets the definition of reconstruction in § 63.2 of subpart A; and

(B) Such reconstruction commenced after June 12, 1995.

(ii) If any process change is made or emission point is added to an existing affected source, or if a process change creating one or more additional Group 1 emission point(s) is made to an existing affected source and the process change or addition does not meet the criteria specified in paragraphs (i)(2)(i)(A) and (i)(2)(i)(B) of this section, the resulting emission point(s) shall be subject to the requirements for an existing affected source in this subpart. The resulting emission point(s) shall be in compliance upon initial startup or by 3 years after September 5, 1996, whichever is later, unless the

owner or operator demonstrates to the Administrator that achieving compliance will take longer than making the process change or addition. If this demonstration is made to the Administrator's satisfaction, the owner or operator shall follow the procedures in paragraphs (i)(2)(iii)(A) through (i)(2)(iii)(C) of this section to establish a compliance date.

(iii) To establish a compliance date for an emission point or points specified in paragraph (i)(2)(ii) of this section, the procedures specified in paragraphs (i)(2)(iii)(A) through (i)(2)(iii)(C) of this section shall be followed.

(A) The owner or operator shall submit to the Administrator for approval a compliance schedule, along with a justification for the schedule.

(B) The compliance schedule shall be submitted within 180 days after the process change or addition is made or the information regarding the change or addition is known to the owner or operator, unless the compliance schedule has been previously submitted to the permitting authority. The compliance schedule may be submitted in the next Periodic Report if the process change or addition is made after the date the Notification of Compliance Status report is due.

(C) The Administrator shall approve the compliance schedule or request changes within 120 calendar days of receipt of the compliance schedule and justification.

(3) *Existing source requirements for Group 2 emission points that become Group 1 emission points.* If a process change or addition that does not meet the criteria in paragraph (i)(1) or (i)(2) of this section is made to an existing plant site or existing affected source, and the change causes a Group 2 emission point to become a Group 1 emission point, for that emission point the owner or operator shall comply with the requirements of this subpart for existing Group 1 emission points. Compliance shall be achieved as expeditiously as practicable, but in no event later than 3 years after the emission point becomes a Group 1 emission point.

(4) *Existing source requirements for some emission points that become subject to subpart H requirements.* If a surge control vessel or bottoms receiver be-

comes subject to § 63.170 of subpart H, or if a compressor becomes subject to § 63.164 of subpart H, the owner or operator shall be in compliance upon initial startup or by 3 years after September 5, 1996, whichever is later, unless the owner or operator demonstrates to the Administrator that achieving compliance will take longer than making the change. If this demonstration is made to the Administrator's satisfaction, the owner or operator shall follow the procedures in paragraphs (i)(2)(iii)(A) through (i)(2)(iii)(C) of this section to establish a compliance date.

(5) *Determining what are and are not process changes.* For purposes of paragraph (i) of this section, examples of process changes include, but are not limited to, changes in production capacity, feedstock type, or catalyst type, or whenever there is a replacement, removal, or addition of recovery equipment. For purposes of paragraph (i) of this section, process changes do not include: Process upsets, unintentional temporary process changes, and changes that are within the equipment configuration and operating conditions documented in the Notification of Compliance Status report required by § 63.506(e)(5).

(j) *Applicability of this subpart except during periods of startup, shutdown, and malfunction.* Each provision set forth in this subpart or referred to in this subpart shall apply at all times except during periods of startup, shutdown, and malfunction if the startup, shutdown, or malfunction precludes the ability of a particular emission point at an affected source to comply with one or more specific provisions to which it is subject.

§ 63.481 Compliance schedule and relationship to existing applicable rules.

(a) Affected sources are required to achieve compliance on or before the dates specified in paragraphs (b) through (d) of this section. Paragraph (e) of this section provides information on requesting compliance extensions. Paragraphs (f) through (i) of this section discuss the relationship of this subpart to subpart A and to other applicable rules. Where an override of another authority of the Act is indicated